TL 2783-9

The Human Rights Commission 42nd session

Statement submitted by the World Council of Indigenous Peoples (NGO-organisation in category II)

Item 9 The right to self-determination.

Mr. Chairman,

The World Council of Indigenous Peoples currently represents the interests of over 100 million Indigenous peoples in five regions of the world. Founded in 1975, the main objective of ~~an~~ our organisation is to persue our rights as "Peoples" to self-determination.

At the outset, Iwant to remind the delegates of governments that international law calls for the right of all peoples to self-determination,- it does not qualify this right by stating "all peoples, exept Indigenous Peoples" or by the words "all non-indegenous Peoples have the right to self-determination.

Because of the recent interest by the UN to explore issues with respect to Indigenous peoples, an interest long time in comming, but nevertheless welcommed and embraced by our peoples, it must now be clearly understood that there are several hundered millions of Indigenous peoples in all parts of the globe. Based on this knowledge it must or should be clear that in order to have a true and lasting world peace, in or order to experience the day that evryone, evry nation, exercises their full and basic human, political, social, cultural, and economic rights, in order for dignity to be had by everyone and in order for the objectives of the United Nations Charter and related documents and laws to have full enjoyment and effect, the Indigenous or Fourth World, along with the full extent of our rights must be recognized and exercised.

While the prospect of having to deal with this right of peoples may make governments nervous or apprehensive, it is not an issue that will go away. It is also an issue that will some times give rise to confusion, because of the very make-up of the UN-system itself, which permits a non-Indigenous NGO to register as an indigenous organisation, which in turn facilitates Indigenous functionaries of Governments or Indigenous non-functionary puppets to make attacks on the legitimate representatives of Indigenous peoples or nations. But this, unfortunate as it may be, will have to be accepted as part of the process. We all know that the enjoyment of the exercise of rights is not easily achived. It is a challenge, a challenge that must be met.

At this time I want to briefly examine three basic situations within which Indigenous peoples or nations must pursue our right to be self-determining.

Firstly, there is the situation where the modern state has a majority Indigenous population, but where they do not exercise any form of meaningful participation in the life of the state. Classic examples are to be found in Latin America, notably in Guatemala and Bolivia.
As the situation of Guatemala is relatively well known by various

organs of the UN it is sufficient to state that the Indian peoples there have suffered greatly, not only with respect to political life but with respect to the right to human life itself. Numerous accounts and reports have been made about the massacres, tortures, disappearances and other gross violations that have occured. At the moment, although the Indian peoples did not play any meaningful role in the Guatemalan elections, there is a slight opening for the democratization of the country, and for the Indian peoples, a possible opportunity for the implementation of real measures that will, as a minimum, begin the recognition or protection of the right to life. In this connection we have had three opportunities sience June, 1985 to discuss this matter with President Cerezo and believe that the newly elected President has a sincere desire to put an end to the human rights violations which have been epidemic in that country. Whether his government can freely pursue this remains to be seen and must receive the support of governments everywhere. A return to a brutal military dictatorship must be guarded against. In the return to a normal human existence within Guatemala, the Indian peoples and their leaders must be freely and safely be involved in charting the new society of Guatemala. This will not be an easy task, because there is still no real guarantee for the lives of the legitimate Indian spokespeople. The time-table and manner to achive their political rights, as they freely determine, must be left to the Indian peoples themselves.

Secondly we have areas of the world where Indigenous peoples and nations no longer are the majority in our homelands. We have come to be commonly referred to as "enclaves" by various scholars. Situations where this exists, also have some States that are currently engaged in dialogue with Indigenous representatives to explore potential/workable relationships.

In Northern Europe, Norway has engaged in discussions with the Sami people through the creation of a Commission in 1980. The Commissions firts report was wide ranging and one chapter explaned the issue of self-determination.
The Commission's report is still being studied and a government response based on this report will be intruduced in Parliament this year. We encourage the government of Norway to take bold steps in the recognition of the political rights of the Sami people.

In North America, Canada since 1982 has engaged in three Constitutional Conferences of First Ministers and the leaders of the Indigenous peoples and nations.

At the first Conference in the spring of 1983, the government of Canada made it absolute clear that self-determination in its ultimat form of sovereignity was not a topic of discussion and at the other hand so was assimilation. The federal government, according to the Prime Minister, was prepared to discuss arrangements between those two extremes. To date, the conferences have failed at recognizing the degree of self-government called for by the Indigenous representatives. The last conference in 1985 dealt specially with self-government and witnessed on the agreement by governments to entrench in the Canadian constitution a watered down version of self-government, which was outrightly rejected by the majority of the Indigenous representatives. A last guaranteed conference on this issue will be held in the spring of 1987 and we encourage all governments to lend their support

to the recognition of the real and legitimate expressions of self-government put forward by the Indigenous representatives at those conferences.

With respect to Latin America we have heard testamonies in this Chamber by the leader of the Indian resistance about the conflict in Nicaragua between the government of Nicaragua and the Indian Nations of the Atlantic Coast. This conflict is unnecessarily clouded and attemted to be obscured by the contrival reference to the non-indigenous fight of the United States-backed contras, who are engaged in a war based on politics and power and having nothing to do with the real Indigenous struggle as discribed by Mr. Brooklyn Rivera, head of Misurasata and leader of the popular resistence of the total Indian population of the Atlantic coast. True, there are Indian individuals who have abandoned their people and the struggle for Indigenous rights, based on Indigenous ideology and are now either serving the interests of the FSLN as the contras But, this are a minority and have no popular or grass-roots support. In this connection , the Autonomy project as being prepared by the National Autonomy Commission, which has aa member one of the Miscitu individuals described above, has no support from the communities. The government I am sure , knows this. In the fall of 1984 the government agreed to enter into peace talks with Misurasata. During the first round of the peace talks, Dec, 1984 the government announced the ceation of this National Autonomi Commission and one could only be left with the question of whether the government was really serious in pursuing a peace agreement with the Indian peoples, which was premised on the government's recognition of Indian rights to land and autonomy.
At this time the government also made public statements that Misurasata is not a "contra" organisation and that Misurasata was defending legitimate rights which the revolution was now prepared to recognize. However with the stalling of the talks last May, through the government's refusal to discuss Indian rights and after Misurasata's failure to convince the government to reopen the talks, through their own proposals and those of the WCIP, and after the government's January 21, 1986 air attack at the Layasiksa, skattering the April 1985 Mexico agreement and prevailing peace in the region, the government is now, in order to justify this new wave of repression, attempting to link the legitimate Indian resistance to the "contras" and hence to the US-government, which always works to draw attention away from their own wrongdoings. True, the US has no right to bring aggression against the people of Nicaragua, however, it is also true that the Nicaraguan state and people have no right to bring aggression, in this case genocide in nature, against the Indian peoples on the Atlantic Coast. Indian lives, surely, have value too. Governments and NGOs, including some of our own are going to have to decide, and I hope in good conscience, whether they are going to place political ideologies or self-interest before the lives of Indigenous peoples.

We urge governments here present to encourage the Sandinista government or the people of Nicaragua to abandon their current course of repression as described by the resistance leader, Mr. Brooklyn Rivera and enter into a meaningful dialoue of peace and recognition of rights which reflects the Indian peoples' true aspirations. In this connection we are, and will continue to be prepared to meet with the government of Nicaragua to pursue this objective as outlined in our Bogota Declaration, issued on March 27, 1985.

Thirdly, we have areas of the world that are experiencing decolonization. In this connection we have the situation of East-Timor, where the
Indigenous peoples should finally exercise their rights of self-determination. However, here again is witnessed a situation where one colonial contry is prepared to return the land back to the control of the original sovereigns and an invasion by another contry sets up another period of colonization and repression. Here as in other areas of the world, genocide and destruction wreaked upon the peoples of the land has not defeated the will of the people to be free and self-determening. The United Nations must not abandon as an item of priority this gross violation against the Indigenous peoples of East Timor by Indonesia.

The WCIP currently has organisational membership representing Indigenous peoples and nations in 31 countries/states which in many cases have created their borders without respect to our sovereignty and traditional borders, thereby dissecting and sharing our nations and creating difficulties for some of our peoples to freely move within our homelands, for example the US/Canada and the Honduras/Nicaragua borders. At that time, it was supposedly all right to cross borders without invitation, but to day, if Indigenous peoples do the same, governments scream foul, illegal and I suppose other choised words.

This issue and many others should convince the member states of the United Nations that our issues, aspirations and rights must be taken seriously and while supporting the work of the Working Group on Indigenous Populations, must begin to study ways and means of giving greater attention and focus to Indigenous Peoples issues, and as an interim measure agreeing to a permanent agenda item at the General Assembly dealing with Indigenous Peoples; and observer status accreditation of a representative Indigenous organisation.

This is only one small step in the resolution of the larger issue of self-determination, however, it can not be forgotten that Indigenous peoples base our existence on a philosophy of oneness with the land and do not because of this philosophy fit into the almost imposed world of left and right. As a consequence only we can, and as evidented in this forum, do speak for ourselves and in our interests.
Mr. Chairman, delegates of governments, we must have an effective voice at all levels of the United Nations.